



13281 U.S. PTO

031904

REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)

Submit an original and a duplicate for fee processing

19270 U.S. PTO
10/804223

031904

THIS APPLICATION: DOCKET NUMBER	FILING DATE	PRIOR APPLICATION: EXAMINER	ART UNIT	TOTAL NO. OF PAGES
P66877US2	March 19, 2004	Leon B. Lankford, Jr.	1651	48

Address to:

Commissioner for Patents
P.O. Box 1450
Mail Stop Patent Application
Alexandria, VA 22313-1450

RULE 53(f) - NO FEE

This is a request for filing a [X] continuation or [] divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. **10/241797** filed on **September 12, 2002**, entitled **USE OF *LACTOBACILLUS SALIVARIUS*** by the following inventor(s).

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	COLLINS	John	Kevin
	City	State or Foreign Country	Country of Citizenship
Residence & Citizenship	Doughcloyne	Ireland	Ireland
	Post Office Address	City	State & Zip Code/ Country
Post Office Address	Spur Hill, Doughcloyne, Ireland		

[X] additional sheet(s) with inventors information attached

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	O'SULLIVAN	Gerald	Christopher
	City	State or Foreign Country	Country of Citizenship
Residence & Citizenship	Cork	Ireland	Ireland
	Post Office Address	City	State & Zip Code/ Country
Post Office Address	Ballinveltig, Curraheen Rd., Bishopstown, Cork, Ireland		

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	O'MAHONY	Liam	
	City	State or Foreign Country	Country of Citizenship
Residence & Citizenship	Cork	Ireland	Ireland
	Post Office Address	City	State & Zip Code/ Country
Post Office Address	41 Maryville Estate, Ballintemple, Cork, Ireland		

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	SHANAHAN	Fergus	
	City	State or Foreign Country	Country of Citizenship
Residence & Citizenship	Kinsale	Ireland	Ireland
	Post Office Address	City	State & Zip Code/ Country
Post Office Address	Seafort, Fort Hill, Kinsale, Ireland		

1. ☒ A Second Preliminary Amendment is enclosed.
2. ☒ Cancel claim(s) 1-50 for purposes of lessening filing fees.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 1 and 2 above.

CLAIMS

Basic Fee			\$385	\$770
Total Claims	1	- 20 =	x 9 = \$	x 18 = \$
Ind. Claims	1	- 3 =	x 43 = \$	x 86 = \$
[] Multiple Dependent Claims			+145 = \$	+ 290 = \$
			Total \$385	Total \$

3. [] The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.
4. [X] This application is filed under Rule 53(f) and therefore the [X] Filing Fee [] Declaration is not enclosed. All authorization to charge Deposit Account No. 06-1358 for 37 C.F.R. 1.16 fees previously made is revoked.
5. [] A check in the amount of \$_____ is enclosed.
6. [X] Amend the specification by inserting before the first line the sentence:

This is a Continuation of application Serial No. 10/241797 filed September 12, 2002.

[X] which in turn is a Continuation of application Serial No. 09/903590 filed July 13, 2001, now abandoned;

which in turn is a Continuation of PCT/IE00/00007 filed January 17, 2000.
7. [X] A verified statement claiming small entity status under 37 CFR 1.9 and 1.27:
a) [X] was claimed by way of a declaration filed in prior application Serial No. 09/903590.
b) [] is claimed by way of the attached declaration.
8. [X] Priority of application Serial Nos. 990033 and 990782, filed on January 15, 1999 and September 20, 1999, respectively both in Ireland is claimed under 35 U.S.C. 119.
a) [X] Certified copy is on file in prior application, Serial No. 09/903590.
b) [] Certified copy filed herewith.

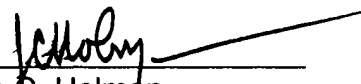
9. ☒ The prior application is assigned of record to Enterprise Ireland (trading as BioResearch Ireland) and National University of Ireland, Cork.
10. ☒ The Power of Attorney in the prior application is to at least one of the following:
John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; Marvin R. Stern, 20,640; Allen S. Melser, 27,215; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007; William E. Player, 31,409; Yoon S. Ham, 45,307; and Nathaniel A. Humphries, 22,772.
- a) ☒ The power appears in the original papers of the prior application.
- b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
11. ☒ Petition to extend the life of the above prior application to at least the date hereof
- (One box) ☒ is being concurrently filed in
NOTE: (must be) that prior application.
(X'd) ☐ was previously filed in that application.
☐ is not necessary.
- If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.
12. ☐ New formal drawings are enclosed.
13. ☒ Enclosed is a copy of the Information Disclosure Statement (IDS) and PTO 1449 which was filed in Serial No. 09/903590, filed July 13, 2001 which is relied on for an earlier filing date under 35 U.S.C. 120.
- a) ☐ More than one IDS was filed in the above Serial No. and copies of each IDS, less the documents, are enclosed.
14. ☒ Enclosed is a copy of the PTO 892 which issued in Serial No. 09/903590, filed July 13, 2001 which is relied on for an earlier filing date under 35 U.S.C. 120.
- a) ☐ More than one PTO 892 issued in the above Serial No. _____ and copies of each PTO 892, less the documents, are enclosed.
15. ☒ Also enclosed is: Substitute Declaration

Address all future correspondence to:

Customer No. 00136
or
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004-2201
Telephone 202/638-6666

Enclosed is a copy of the prior application including the Declaration as originally filed, application, namely Serial No. 10/241797, filed on September 12, 2002. The entire disclosure of the prior application is hereby incorporated by reference.

Respectfully submitted,

By 
John C. Holman
Reg. No. 22,769
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

Signed this 19th day of
March, 2004

☒ Attorney or Agent of record

☐ Filed under 37 CFR 1.34(a)

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Residence & Citizenship	Doughcloyne	Ireland	Ireland
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Post Office Address	Ballinveltig, Curraheen Rd., Bishopstown, Cork, Ireland		

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	O'MAHONY	Liam	
	City	State or Foreign Country	Country of Citizenship
Residence & Citizenship	Cork	Ireland	Ireland
	Post Office Address	City	State & Zip Code/ Country
Post Office Address	41 Maryville Estate, Ballintemple, Cork, Ireland		

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	City	State or Foreign Country	Country of Citizenship
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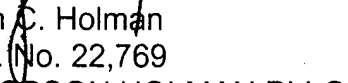
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Signed this 19th day of
March, 2004

☒ Attorney or Agent of record

☐ Filed under 37 CFR 1.34(a)